

**ASSEMBLY BILL**

**No. 2749**

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**Introduced by Assembly Members Logue and Norby**

February 19, 2010

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An act to amend Section 4903 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2749, as introduced, Logue. Workers' compensation.

Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, which requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, and in the course of, employment. Existing law provides for the creation of the Workers' Compensation Appeals Board to hear appeals of workers' compensation disputes, as specified. Existing workers' compensation law authorizes the appeals board to determine and allow specified expenses, including reasonable attorney's fees for legal services, as liens against any sum to be paid as compensation.

This bill would make technical, nonsubstantive changes to the above-described provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 4903 of the Labor Code is amended to  
2     read:

1 4903. The appeals board may determine, and allow as liens  
2 against any sum to be paid as compensation, any amount  
3 determined as hereinafter set forth in subdivisions (a) ~~through to~~  
4 (i), *inclusive*. If more than one lien is allowed, the appeals board  
5 may determine the priorities, if any, between the liens allowed.  
6 The liens that may be allowed hereunder are as follows:

7 (a) A reasonable attorney's fee for legal services pertaining to  
8 any claim for compensation either before the appeals board or  
9 before any of the appellate courts, and the reasonable disbursements  
10 in connection therewith. No fee for legal services shall be awarded  
11 to any representative who is not an attorney, except with respect  
12 to those claims for compensation for which an application, pursuant  
13 to Section 5501, has been filed with the appeals board on or before  
14 December 31, 1991, or for which a disclosure form, pursuant to  
15 Section 4906, has been sent to the employer, or insurer or  
16 third-party administrator, if either is known, on or before December  
17 31, 1991.

18 (b) The reasonable expense incurred by or on behalf of the  
19 injured employee, as provided by Article 2 (commencing with  
20 Section 4600) and, to the extent the employee is entitled to  
21 reimbursement ~~under~~ pursuant to Section 4621, medical-legal  
22 expenses as provided by Article 2.5 (commencing with Section  
23 4620) of Chapter 2 of Part 2.

24 (c) The reasonable value of the living expenses of an injured  
25 employee or of his or her dependents, subsequent to the injury.

26 (d) The reasonable burial expenses of the deceased employee,  
27 not to exceed the amount provided for by Section 4701.

28 (e) The reasonable living expenses of the spouse or minor  
29 children of the injured employee, or both, subsequent to the date  
30 of the injury, where the employee has deserted or is neglecting his  
31 or her family. These expenses shall be allowed in the proportion  
32 that the appeals board deems proper, under application of the  
33 spouse, guardian of the minor children, or the assignee, pursuant  
34 to subdivision (a) of Section 11477 of the Welfare and Institutions  
35 Code, of the spouse, a former spouse, or minor children. A  
36 collection received as a result of a lien against a workers'  
37 compensation award imposed pursuant to this subdivision for  
38 payment of child support ordered by a court shall be credited as  
39 provided in Section 695.221 of the Code of Civil Procedure.

1 (f) The amount of unemployment compensation disability  
2 benefits that have been paid under or pursuant to the  
3 Unemployment Insurance Code in those cases where, pending a  
4 determination under this division there was uncertainty whether  
5 the benefits were payable under the Unemployment Insurance  
6 Code or payable hereunder; provided, however, that any lien under  
7 this subdivision shall be allowed and paid as provided in Section  
8 4904.

9 (g) The amount of unemployment compensation benefits and  
10 extended duration benefits paid to the injured employee for the  
11 same day or days for which he or she receives, or is entitled to  
12 receive, temporary total disability indemnity payments under this  
13 division; provided, however, that any lien under this subdivision  
14 shall be allowed and paid as provided in Section 4904.

15 (h) The amount of family temporary disability insurance benefits  
16 that have been paid to the injured employee pursuant to the  
17 Unemployment Insurance Code for the same day or days for which  
18 that employee receives, or is entitled to receive, temporary total  
19 disability indemnity payments under this division, provided,  
20 however, that any lien under this subdivision shall be allowed and  
21 paid as provided in Section 4904.

22 (i) The amount of indemnification granted by the California  
23 Victims of Crime Program pursuant to Article 1 (commencing  
24 with Section 13959) of Chapter 5 of Part 4 of Division 3 of Title  
25 2 of the Government Code.

26 (j) The amount of compensation, including expenses of medical  
27 treatment, and recoverable costs that have been paid by the  
28 Asbestos Workers' Account pursuant to the provisions of Chapter  
29 11 (commencing with Section 4401) of Part 1.